

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                              |   |                                    |
|------------------------------|---|------------------------------------|
| PURCELL BRONSON;             | ) |                                    |
| BOBBY BRIGHTWELL,            | ) | Civil Action No. 10 - 293J         |
|                              | ) |                                    |
| Petitioners,                 | ) | District Judge Kim R. Gibson       |
|                              | ) |                                    |
| v.                           | ) | Magistrate Judge Lisa Pupo Lenihan |
|                              | ) |                                    |
| UNITED STATES DEPARTMENT OF  | ) |                                    |
| JUSTICE; FEDERAL BUREAU OF   | ) |                                    |
| INVESTIGATION; UNITED STATES | ) |                                    |
| POSTAL SERVICE,              | ) |                                    |
|                              | ) |                                    |
| Respondents.                 | ) |                                    |

**MEMORANDUM ORDER**

On November 18, 2010, a motion for leave to proceed *in forma pauperis* was filed in the above captioned case, which was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The magistrate judge filed a report and recommendation on November 22, 2010 (ECF No. 2) recommending that the Plaintiff's motion to proceed *in forma pauperis* be denied in accordance with 28 U.S.C. § 1915(g) and that this action be dismissed for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen by paying the full \$350.00 filing fee within sixty (60) days. Plaintiff was served with the report and recommendation at his listed address and was advised that he had until December 6, 2010 to file written objections. Plaintiff filed objections on December 10, 2010. The objections do not undermine the conclusions set forth in the report and recommendation.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, and the Objections thereto, the following order is entered:

AND NOW, this 17<sup>th</sup> day of December, 2010;

**IT IS HEREBY ORDERED** that Plaintiff's motion to proceed *in forma pauperis* (ECF No. 1) is **DENIED** in accordance with 28 U.S.C. § 1915(g).

**IT IS FURTHER ORDERED** that Plaintiff may reopen this case by paying the full \$350.00 filing fee within sixty (60) days.

**IT IS FURTHER ORDERED** that the report and recommendation (ECF No. 2) dated November 22, 2010, is **ADOPTED** as the opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

Kim R. Gibson  
United States District Judge

cc: Purcell Bronson  
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